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English only

Implementation Review Group

Executive summary: Jordan

Legal system

Jordan signed the UNCAC on 9 December 2003 and ratified it on 24 February 2005. The implementing legislation — Law No. 28 of 2004 — was adopted by the Parliament on 8 June 2004 and published in the Official Gazette on 1 August 2004. The Law stipulates that the Convention is considered valid and effective for all its intended aims, and that the Prime Minister and Ministers shall be responsible for the implementation of its provisions.

Overall findings

The main pillars of the Jordanian legal framework to address corruption are the Penal/Criminal Code, the Anti-Corruption Act, the Anti-Money Laundering Act, the Right to Access Information Law, the Economic Crimes Act, the Ombudsman Law, and the Financial Disclosure Act.

Jordan has also put in place an institutional framework to deal with the challenges posed by corruption. Several specialized agencies with ad hoc mandates include the Anti-Corruption Commission (ACC), the Audit Bureau, the Jordan Securities Commission, the Ombudsman Bureau, the Financial Disclosure Department, the Anti-Money Laundering Unit, the Inspectorates (internal control bodies within each ministry), the Ministries of Justice and Interior, the Judicial Council, the General Security Directorate and the Office of the Public Prosecutor.

Following the issuance of the Anti-Corruption Commission Law in 2006, the Anti-Corruption Commission (ACC) was established in 2007 and tasked to coordinate and establish a comprehensive policy in prevention and combating corruption in the public and private sectors. The ACC started operationally functioning in 2008.

The work of the ACC is guided by the National Anti-Corruption Strategy 2008-2012. The Strategy is organized around six main objectives: Strengthening the capacity of the ACC; prevention of corruption; education, training and public awareness; law enforcement; coordinating anti-corruption efforts; and international cooperation.



The findings of the review team following clarifications from the Jordanian experts disclosed a number of good practices which include, among others, the development of a comprehensive anti-corruption strategy and the separation of the office of the Attorney-General from the office of the Minister of Justice to ensure a high level of prosecutorial independence.

The review also disclosed a number of challenges which need to be addressed, including better coordination of national institutions in the implementation of the UNCAC. Also, while Jordan has ratified the UNCAC, there is need to systematically implement the various articles using administrative and legislative means, as appropriate. Finally, Jordan indicated the need for technical assistance in areas such as legislative drafting, joint investigations and general capacity-building.

Criminalization and Law Enforcement

Criminalization

Jordan has adopted legislative measures to criminalize bribery of national public officials, both in its active and passive forms, to implement article 15 of the UNCAC. The “public official”, as perpetrator of such crimes, is defined in article 2 of the Jordanian Economic Crimes Law as every official, employee or worker appointed by a competent authority in any of the following bodies: Ministries and public official departments and institutions; the Senate and House of Deputies; municipalities, local councils and joint services councils; syndicates, unions, associations and clubs; banks, public companies and specialized credit institutions; political parties; any authority with a budget mainly supported through the State’s budget; and any authority stated by the law administering public funds. Moreover, the concept of “public officials” has been expanded to include the heads and members of the boards of public companies as well, with or without payment.

The reviewers took note of relevant jurisprudence of the Jordanian Court of Cassation (decision No. 1755/2008) and observed that a more precise definition of “official duty”, either in legislation or in jurisprudence, would facilitate the successful prosecution of the offence. The development of consistent case-law to specify whether it is necessary for the actions of the public official to fall within the scope of his/her functions or it suffices that he/she has only a connection to them, may also be an alternative.

The Jordanian authorities indicated that article 16 of the UNCAC is not implemented in the domestic legal system, as the criminalization of foreign public officials and officials of public international organizations contradicts the immunities offered to international public officials mentioned in the United Nations Convention on Diplomatic Immunities and Privileges of 1946, to which Jordan is a party since 1 June 2008. However, the review team was of the opinion that Jordan could implement at least paragraph 1 of article 16 of the UNCAC, relating to the active bribery of such officials by nationals and residents who do not enjoy diplomatic immunity. At a later stage of the review process (September 2011), the Jordanian authorities referred to the New Amendment of the Anti-Corruption Commission Law, which was still under discussion in the Parliament and provided for the criminalization of foreign public officials, including officials of international organizations, unless they enjoy diplomatic immunity, for both active and passive bribery.

Bearing this in mind, the challenge of non-implementation highlighted by the Jordanian authorities would only refer to the act of passive bribery of foreign public officials and officials of public international organizations, as foreseen in Article 16, paragraph 2, of the UNCAC. As stated above, the process of amending the ACC law to properly deal with this lacuna has reached the advanced stage of parliamentary discussions. In this connection, the Jordanian authorities requested technical assistance, should the amendments not be approved, in terms of a summary of good practices/lessons learned and legislative drafting.

The findings of the review team indicated that section 422 of the Jordanian Criminal Code captures all the indicators of article 17 of the UNCAC (embezzlement of, misappropriation or other diversion of property by a public official). Given that, according to the same article, “any person” can be the perpetrator of these crimes, all indicators required by article 22 of the UNCAC (embezzlement of property in the private sector) are also covered.

The information and explanations provided by Jordan indicated that the same nexus of legislative provisions were used for the criminalization of bribery and trading in influence in both their active and passive forms. The reviewers, although acknowledging the optional nature of article 18 of the UNCAC, noted with concern, the lack of substantive distinction between the two crimes in the domestic legislation.

Regarding the domestication of article 19 of the UNCAC on the criminalization of the abuse of functions, the Jordanian law is broad in view of the fact that the “undue advantage”, which is an indicator in the Convention, is not an element of the offence in the national law.

Jordan confirmed the criminalization of the conduct of illicit enrichment through article 6 of the Financial Disclosure Law of 2006, which prescribes criteria for declaration of assets and sanctions for failure to declare. The law provides for confiscation of assets found to be illicit. It does not prescribe limits for retaining records of declared assets, but a proposal has been made to set such a limit to five years.

In terms of institutional implementation of the Financial Disclosure Law, the Financial Disclosure Department (FDD), which is located in the Ministry of Justice, has the mandate to ensure asset declaration by public officers and retains custody of such declarations. The Financial Disclosure Law does not provide for independence of the Department and there is no security of tenure for the head of the agency. However the head, being a judge, enjoys the privileges of a judicial officer. He is appointed by the Minister of Justice at the recommendation of the Judicial Council. During the country visit, it was stressed by Jordan that, although the issue does not fall within the scope of the current review cycle of the implementation of the UNCAC, technical assistance was required to draft new legislation which would provide the Financial Disclosure Department with the powers to verify the information included in the asset declarations.

The review team noted that, with respect to the implementation of the optional criminalization provision of article 21 of the UNCAC, the Jordanian legislation, and particularly articles 171 and 173 of the Criminal Code, had not entirely captured the conduct of bribery in the private sector, because of the restricted meaning of the term “every person”, as used in article 170 of the Criminal Code. At a later stage of

the review process (September 2011), the Jordanian authorities reported that the New Amendment of the Anti-Corruption Commission Law, which was still under discussion in the Parliament, provided for the criminalization of bribery in the private sector.

The anti-money laundering legislation of 2007 was amended in May 2010 — as a result of an assessment by the Financial Action Task Force (FATF) and the Middle East and North Africa FATF Style Regional Body (MENAFATF) — to address observed deficiencies in the domestic anti-money laundering and combating the financing of terrorism regime, as well as create administrative and financial autonomy for the Jordanian Financial Intelligence Unit. The anti-money laundering legislation provides for a wide range of predicate offences. The amended AML law captured all the 20 designated serious offences prescribed by the FATF.

The Jordanian authorities provided information on various legal provisions criminalizing acts that, on the one hand, have a negative impact on the proper and fair administration of justice (see Title IV of the Penal Code on “Crimes against the Judicial Administration” and, specifically, Chapter I on “Crimes against the Course of Justice”), but, on the other, do not seem to fully and precisely meet the requirements set forth in article 25 of the UNCAC to establish as criminal offences a broad range of specific conducts resulting in obstruction of justice.

While acknowledging Jordan’s considerable efforts to achieve compliance of the national legal system with the UNCAC provisions in the criminalization area, the reviewers identified a series of gaps and/or grounds for further improvement and, in this regard, highlighted the following issues for the attention of the competent Jordanian authorities:

- Construe the offences of active and passive bribery of national public officials in a way that provides for a more precise definition of the “official duty” exercised by them. In the same vein, and for the purpose of enabling successful and effective prosecution, develop consistent case-law to specify whether it is necessary for the actions of the public official to fall within the scope of his/her functions or it suffices that he/she has only a connection to them;
- Continue efforts and finalize ongoing work geared towards ensuring that the mandatory provision of article 16, paragraph 1, of the UNCAC on the criminalization of active bribery of foreign public officials is effectively incorporated and implemented at the domestic level;
- Continue efforts to finalize the updating of domestic legislation with a view to criminalizing bribery in the private sector, in line with article 21 of the UNCAC, to cover those private and public liability companies that do not access public funds;
- Consider the criminalization of embezzlement/misappropriation under article 22 of the UNCAC by expanding the scope of existing legislation to cover all sub-sectors in the private entities;
- Continue efforts to finalize the updating of domestic legislation with a view to criminalizing the passive bribery of foreign public officials and officials of public international organizations;

- Ensure that the criminalization of obstruction of justice is achieved through ad hoc criminal law provisions in full line with the specific requirements set forth in article 25 of the UNCAC;
- Explore the possibility of criminalizing trading in influence as a self-standing corruption-related act which is distinct from the bribery offence.

Law enforcement

The sanctions applicable to persons who have committed corruption-related offences appear to be sufficiently dissuasive bearing in mind the maximum applicable penalty. At a later stage of the review process (September 2011), the Jordanian authorities clarified that Article 20, paragraph 2, of the Penal Code defined the term “temporary imprisonment” as a sanction ranging from 3 to 20 years, unless another article in the Code provided otherwise. Overall, the national legislation was found in compliance with article 29 of the UNCAC on the statute of limitations.

Jordan has chosen to put in place a legal framework for the establishment of criminal liability of legal persons involved in the commission of UNCAC-based offences. Sanctions imposed, in this context, include fines against the legal person, as well as suspension or dissolution of the legal entity. There is no differentiation between natural and legal persons as to the civil liability for damage caused to a third party.

As far as investigation of corruption-related offences is concerned, the Anti-Corruption Commission (ACC) may investigate any corruption case on its own accord or based on information from any party. The ACC also has the right to seize property, impose travel bans, and suspend from work without pay. While the ACC is a new agency that only became operational in 2008, it is noteworthy that in the first ten months of 2008 it examined 465 cases and transferred 82 cases to the courts or other relevant institutions. In 2009, it examined 834 cases and in 2010, 890 cases.

In addition, the General Security Directorate (GSD) is also responsible for, among others, the prevention, investigation, apprehension and prosecution of crimes, including corruption-related offences. The GSD cooperates with and provides expert assistance to the ACC in the investigation and prosecution of corruption, based on a Memorandum of Understanding. To effectively carry out its functions, the GSD regularly uses special investigation techniques such as surveillance and forensic analysis, and provides evidence to the ACC at its request. In 2010, 10 reports were shared by the GSD with ACC.

Article 97 of the Jordanian Constitution guarantees the independence of the judicial branch, clearly stating that judges are “subject to no authority but that of the law”. While the King must approve the appointment and dismissal of judges, in practice judges have independence from the Government and are supervised solely by the Judicial Council and the Directorate of Judicial Inspection. At a later stage of the review process (September 2011), the Jordanian authorities referred to a new amendment to the Constitution which aimed at enhancing the independence of judiciary. It would be followed by a set of legislative acts amending the current Independence of Judiciary Act to reflect such independence.

The Judicial Council has the mandate to appoint, promote, transfer and discipline judicial officers. It consists of eleven members appointed on the basis of the office they hold. There are no judges designated to handle corruption cases and there are currently no special training on anti-corruption issues for judges. Although judges enjoy immunity, the Judicial Council has the right to drop such immunity and refer any judge to the General Prosecutor who will investigate the matter and may, thereafter, refer the judge to the competent court for trial (article 33 of the Independence of Judiciary Act). No such case has occurred so far. The Judicial Council has the right to disengage a judicial officer within three years of the appointment if convicted of an offence prior to his appointment.

The Public Prosecutor represents the public and community rights in the prosecution process. It supervises the Public Prosecutors who investigate and prosecute cases in court. The supervision of the Ministry of Justice is only administrative, hence there is no intervention in the function of the prosecution. Specifically with regard to corruption, the Public Prosecutor's Office seconds prosecutors to the ACC. There is a code of conduct that applies to both judges and prosecutors. The conditions of service for both judges and prosecutors are the same.

Jordan has put in place an adequate domestic regime for the freezing, seizure and confiscation of assets flowing from UNCAC-based offences. The national authorities have not adopted and implemented the optional requirement set forth in article 31, paragraph 8, of the UNCAC, pertaining to the reversal of burden of proof as to the lawful origin of proceeds derived from corruption, due to specificities and limitations of the domestic legal system. There is no framework for non-conviction based confiscation, but civil forfeiture can be initiated by the victim of a crime. Where an accused has absconded, the court can confiscate assets without a conviction. The New Amendment of Anti-Corruption Commission Law, still under discussion in the Parliament, provides that the court may continue to proceed with the case in order to confiscate assets derived from corruption offences even if the criminal case was dropped or the penalty has been waived. The domestic legislation also provides for interim seizure of assets, carried out by the General Security Directorate through the court process.

Despite the existence of an administrative procedure to protect whistle-blowers, including through the holding of non-public hearings, there is a need for enacting special legislation on the protection of witnesses, experts and informants. At a later stage of the review process (September 2011), the Jordanian authorities reported that the New Amendment of the Anti-Corruption Commission Law, which was still under discussion in the Parliament, introduced four provisions (articles 24-27) on the protection of witnesses, experts and informants, based on the UNCAC requirements.

Besides the current inadequacy of normative measures (laws, regulations, etc.) in this field, the Jordanian authorities highlighted the following challenges that need to be addressed: weak inter-agency coordination; limited capacity in terms of human resources and institutional infrastructure; limited awareness of state-of-the-art programmes and practices for witness and expert protection; and limited financial resources for implementation.

Jordan further indicated that the following forms of technical assistance would assist its authorities in improving the implementation of the UNCAC provisions on

the protection of witnesses, experts and reporting persons: summary of good practices/lessons learned; legal advice in the development of the rules and regulations necessary to implement relevant legal provisions; capacity-building for authorities responsible for establishing and managing protection programmes; and on-site assistance by specialized experts. None of these types of assistance has been provided so far.

At a later stage of the review process (September 2011), the Jordanian authorities clarified that the national legislation (Article 6 of the Criminal Procedure Law No. 9 of 1961) allowed persons who have suffered damage as a result of an act of corruption to initiate legal proceedings in a civil court in order to obtain compensation. This is a general clause covering both corruption and other cases, since any person who has suffered damage as a result of a crime has the option either to merge the criminal with the civil case in the criminal court or file a separate civil case. However, the accused person may request the civil court to adjourn proceedings before the civil court until a final judgment is reached by the criminal court.

Concerning the cooperation of a perpetrator of a corruption-related offence with the law enforcement authorities, there is not yet a legal framework for plea bargaining in Jordan, but mitigation can be negotiated depending on the circumstances. At a later stage of the review process (September 2011), the Jordanian authorities clarified that the New Amendment of the Anti-Corruption Commission Law, which was still under discussion in the Parliament, provided for waiver of two thirds of penalty for those who provide information or evidence during investigation leading to the recovery of proceeds derived from corruption-related offences. In addition, if such information or evidence was given to the Anti-Corruption Commission before the discovery of the corruption case, a full waiver of penalty would be provided.

Jordan has not exercised its discretion to implement paragraph 5 of article 37 which enables States parties to enter into agreements or arrangements with other States which would allow the law enforcement authorities of those States to propose a mitigated sanction or immunity from prosecution in exchange for substantial cooperation with regard to a corruption offence. In the absence of bilateral or multilateral legal agreements, cooperation in this regard is provided in accordance with the rules of international comity. Technical assistance in the form of a summary of good practices/lessons learned would assist Jordan in adopting or better implementing paragraph 5 of article 37 of the UNCAC.

In the field of inter-agency cooperation for purposes of investigation and prosecution of corruption offences, Jordan reported that a number of memoranda of understanding had been signed between competent authorities to enhance such cooperation.

Similar MoU has been signed between the ACC and the Audit Bureau, which is an independent institution set up by the Constitution with the — mostly preventive — mandate to audit revenue and expenditure as well as public accounts of the State, and ensure compliance with financial regulations. However, suspicious transactions uncovered in the course of its audit work are not reported directly to the ACC; they are reported first to the Minister in charge of the particular ministry and the Minister of Finance who set up a joint investigation Committee.

Inter-agency cooperation and information-exchange for the purpose of investigating and prosecution of money-laundering offences, in particular, is promoted through the Anti-Money Laundering Unit (FIU). The assessment of AML efforts of Jordan by the reviewing experts show that:

- Jordan has an operational FIU that manages the country's AML regime;
- The FIU, though located within the Central Bank of Jordan, has appreciable level of financial, administrative and operational autonomy. The FIU has its own budget and staff and the head is appointed by the AML National Committee. The Committee does not interfere in the operations of the FIU;
- The FIU has access to the databases of relevant domestic authorities and has powers to request for additional information from both reporting institutions and relevant authorities in furtherance of its operations;
- AML/CFT inspections are carried out by relevant regulators. Various AML/CFT Regulations and Manuals (with the exception of the insurance sector) have been issued to guide reporting institutions across various sectors on their obligations under the AML/CFT regime;
- Statistics for the years 2008, 2009 and 2010 indicate that 195, 150 and 190 suspicious transactions were filed to the FIU respectively. Adequate security measures are taken to guarantee the security of relevant information;
- The FIU has sent 21 and 11 intelligence to the Anti-Corruption Commission (ACC) in 2008 and 2009 respectively, although the ACC officials could not confirm these statistics at the time of the country visit. The Commission could not also confirm if any of the information/intelligence sent to it by the FIU has resulted to prosecution and/or conviction;
- Technical assistance is required to strengthen the capacity of the FIU;
- The FIU's non-membership in the Egmont Group limits its ability to exchange information with some FIUs. Efforts are being made to join the Egmont Group. Currently, the AMLU/FIU has signed Memoranda of Understanding (MOUs) with four (4) countries with which they exchange information. The Unit does not provide spontaneous information/intelligence to other FIUs except on request.
- In addition to housing the FIU, the Central Bank of Jordan (CBJ) is the regulator of the financial sector comprising of Banks and other financial institutions;
- The CBJ cooperates with the FIU and the ACC and sends relevant information to them to aid their work;
- Banking secrecy is lifted in cases provided for in the banking law in force. Each case is considered separately. The Central Bank ensures, in this regard, the adherence of the entities which are subject to its oversight and supervision. The FIU can access any information it requires from the reporting entities by virtue of the AML laws;
- The CBJ has a range of graded measures to sanction non-compliant banks which range from administrative sanctions such as warnings to fines, revocation of licenses etc. When there are violations of the AML legislation,

these are referred to prosecutors for penal sanctions. There appears to have been no administrative sanctions imposed in recent times;

- The regulations issued by the CBJ has the force of law and attract penalties because they are issued as subsidiary legislation under the main laws;
- The CBJ considers it a welcome idea to conduct joint inspections with the FIU in future to enable the FIU focus on AML issues while it deals on general compliance issues;
- Under the Jordanian AML regime, there was no limit to cash transaction. For effective implementation of article 23 of UNCAC and AML law, the Jordanian authority may consider setting a limit to cash transaction mandating people to go through financial institutions in view of the vulnerability of cash to money-laundering. Against this background, transaction above certain limit should be required to pass through the financial system. This will create audit trail that will facilitate investigation and prosecution in case of any corruption case.

A key factor for increasing the effectiveness of cooperation between different national authorities involved in the fight against corruption is that of the establishment of a national criminal database within the Anti-Corruption Commission, in which information from different agencies will be gathered. It was stressed by the ACC officials that technical assistance was needed for the establishment of such a database.

The rules of criminal jurisdiction, as contained in the Criminal Code, apply to corruption-related offences. Jurisdiction is established over acts committed within the national territory, acts committed by Jordanian nationals, as well as acts for which extradition is denied on the grounds of nationality. However, no information was provided to the reviewing experts with regard to other jurisdictional bases foreseen in article 42 of the UNCAC and relating to crimes against Jordanian nationals; preparatory acts of money-laundering committed abroad with a view to the commission of the money-laundering offence in the national territory; and acts for which extradition is denied on other grounds than the nationality of the person sought. The reviewing experts further highlighted the need for a mechanism to foster consultations between the competent authorities of Jordan and other States in cases of multiple jurisdictions over corruption offences, in line with article 42, paragraph 5, of the UNCAC.

Overall, with regard to the UNCAC requirements in the area of law enforcement, the following additional observations are brought to the attention of the Jordanian authorities:

- Continue efforts to strengthen the accountability of the judiciary through a consistent and strict application of all legal and disciplinary means to sanction corruption;
- Continue efforts to finalize and put in place ad hoc legislation on the protection of witnesses, experts and informants, coupled with the adoption and implementation of appropriate administrative measures to give practical affect to such legislation;
- Consider putting in place a comprehensive and solid framework for non-conviction-based asset forfeiture;

- Update existing legislation to provide for a more comprehensive and flexible scheme of criminal jurisdiction over corruption offences;
- Consider entering into agreements or arrangements with other States to allow their law enforcement authorities to propose a mitigated sanction or immunity from prosecution in exchange for substantial cooperation with regard to a corruption offence.

International cooperation

Internationally, Jordan has a well-developed legal network to address corruption. Beyond being one of the first Arab countries to sign the UNCAC, Jordan hosted the first session of the Conference of the States Parties to the UNCAC and joined the voluntary UNCAC pilot review programme. Jordan plays a key role in the Good Governance for Development (GfD) in Arab Countries Initiative and its Network on Supporting UNCAC Implementation in Arab Countries. Jordan also participates in the Council of Arab Ministers of Justice and Council of Arab Ministers of the Interior, as well as the Programme of Governance in the Arab Region (POGAR). Moreover, the reviewing experts identified as one of the good practices and lessons learnt from the review process that the Jordanian Anti Corruption National Strategy has a distinct component on international cooperation.

Extradition

Extradition is governed by bilateral agreements with other countries, which require that the offence is punishable in both the requesting and requested States (double criminality requirement). In this connection, the Jordanian authorities reported that paragraph 2 of article 44 of the UNCAC is not implemented due to the strict application of the double criminality requirement in extradition relations based on bilateral or regional agreements. They further indicated that technical assistance in the form of legal advice would assist them in adopting a more flexible approach on this matter.

Jordan has also an Extradition Act which was enacted in 1927. The Act prescribes criteria for extraditing offenders, among which is the threshold of extraditable offences (not less than one year of imprisonment). The Jordanian authorities indicated that there is a need to review the Extradition Act, as it is old and outdated and, as such, represents a challenge to the effective cooperation in the area of extradition. At a later stage of the review process (September 2011), the Jordanian authorities reported that such a review of the Extradition Act had already started.

Information gathered in the course of the review indicated that Jordan has a policy of not extraditing its nationals. Rather, Jordan would initiate domestic criminal proceedings and request appropriate evidence from the requesting State.

As part of regional efforts exerted by the Arab League to unify Arab legislations, the Council of Arab Ministers of Justice has adopted the model Arab law on judicial assistance in criminal matters, which could be used as a legal basis if the parties concerned so agree.

Jordan is also party to the Arab League Extradition Agreement of 1952 and the Riyadh Arab Agreement for Judicial Cooperation of 1983, which has a wider scope

of application, tackling international cooperation in criminal matters in general, and dealing with extradition in Part VI — Extradition of Accused or Convicted Persons.

Jordan has concluded bilateral treaties or agreements on extradition and judicial cooperation in criminal matters with the Syrian Arab Republic, Lebanon, Turkey, Tunisia, Egypt, United Arab Emirates, Yemen, Algeria, Kuwait and Azerbaijan.

Jordan has not yet informed the Secretary-General of the United Nations of its intention to use the UNCAC as a legal basis for extradition. This omission has been indicated during the country visit and, as a follow-up, Jordan informed UNODC that consultations among its competent authorities are ongoing to make an informed decision on the most appropriate action needed to fully implement paragraph 6 of article 44 of the UNCAC. In this connection, Jordan submitted a request to UNODC for the provision of information on how other States parties dealt with this issue. UNODC provided the requested information. At a later stage of the review process (September 2011), the Jordanian authorities reported that a relevant notification would be sent in due time to the Secretary-General reflecting the national position on this matter. An ad hoc committee convened to discuss this issue had recommended that Jordan use bilateral and regional agreements, rather than the UNCAC, as a legal basis for extradition.

From an operational point of view, the INTERPOL National Bureau is located within the General Security Directorate and is in charge of coordinating practical arrangements for extradition of offenders. Where a case of corruption has international dimension, the Anti-Corruption Commission cooperates with the INTERPOL National Bureau.

It is noted that the extradition process whereby Jordan is involved as a requested State may take between 12-18 months to be completed. However, the process can be expedited if the relevant documentation is properly submitted (maximum 4 months). It also depends on the work load/case file before the competent judicial authority. The Jordanian authorities underscored that they would benefit from technical assistance in this area.

Mutual legal assistance

With the domestication of the UNCAC in the Jordanian legal order, the national authorities are in a position to grant MLA requests on the basis of the Convention. Generally, mutual legal assistance is based on treaties, but there have been instances where MLA requests are granted in the absence of treaties. There is no legal restriction in giving MLA in respect of legal persons.

Until the country visit in March 2011, Jordan had not notified the Secretary-General of the central authority designated to receive requests for mutual legal assistance and either to execute them or to transmit them to the competent authorities for execution. After the country visit, Jordan informed UNODC, through Note Verbale IO.15/468 of 29 March 2011, that the “Ministry of Justice is the only authority which is responsible for requesting legal assistance regarding corruption”. The designation was given under a written instrument by the Prime Minister in 2010. This notification was sent accordingly to the United Nations Office for Legal Affairs (OLA).

For the purpose of fully implementing paragraph 14 of article 46, the Jordanian authorities may wish to provide a similar notification regarding the language in which incoming MLA requests can be accepted, despite the fact that in the context of the review process it was indicated that such requests should be submitted in Arabic. At a later stage of the review process (September 2011), the Jordanian authorities reported that a relevant notification would be sent in due time to the Secretary-General of the United Nations reflecting the national position on this matter. It is almost sure that the language would be Arabic.

Double criminality is generally required for incoming MLA requests. Assistance can be denied on the basis of the political or military nature of the relevant offence(s) or where the execution of the request may be detrimental to the national sovereignty or public order.

As a practical matter, all mutual legal assistance requests, including requests involving the UNCAC, are channelled both through the central authority and diplomatic channels and are handled by the Department of International Relations in the Ministry of Justice. UNCAC-related assistance requests are rare, however, with only two such requests made in 2008. The procedure for MLA developed by the International Cooperation Directorate of the Ministry of Justice is published on the website of the Ministry in Arabic.

Other forms of international cooperation

Jordan is bound by a series of regional and bilateral agreements dealing with the transfer of sentenced persons, such as the Riyadh Arab Agreement for Judicial Cooperation and the bilateral agreements with Cyprus and Egypt.

With regard to article 47 of the UNCAC on the transfer of criminal proceedings, the reviewing experts observed that its implementation might be problematic in view of the fact that Jordan does not extradite its nationals and the competent domestic authorities prefer prosecuting locally with the evidence transferred from the requesting State party. The review team further noted that there appears to be no domestic framework to facilitate the transfer of proceedings, especially in situations where the requesting country is neither a party to the UNCAC nor has treaty with Jordan addressing pertinent issues.

Jordan has not entered into bilateral or multilateral agreements or arrangements on direct cooperation with law enforcement agencies of other States parties. However, it considers the UNCAC as the basis for law enforcement cooperation in respect of the offences covered by the Convention. Challenges encountered by the Jordanian authorities in the field of law enforcement cooperation include, inter alia, weaknesses in inter-agency coordination, as well as limited capacity and resources for implementation. Moreover, there is no practical experience in conducting joint investigative teams.

With a view to ensuring more effective implementation at the domestic level of articles 48 and 49 on law enforcement cooperation and joint investigations respectively, Jordan would be interested in receiving the following forms of technical assistance: Summary of good practices/lessons learned; model agreement(s)/arrangement(s) as basis for the conclusion of bilateral instruments; technological assistance (e.g. set-up and management of databases/information-sharing systems); capacity-building programmes for authorities responsible for

cross-border law enforcement cooperation; and the development of an action plan for implementation. Jordan would further need technical assistance to assess the effectiveness of the measures adopted to establish or enhance channels of communication with other States Parties' law enforcement authorities, agencies and services.

The following remarks are made with the intention to assist the national authorities in rendering international cooperation mechanisms more robust and effective:

- Explore the possibility of relaxing the strict application of the double criminality requirement in cases of UNCAC-based offences, in line with article 44, paragraph 2, of the UNCAC;
- Ensure that any crime established in accordance with the UNCAC is not considered or identified as a political offence that may hinder extradition;
- Continue to make best efforts to ensure that extradition proceedings are carried out in the shortest possible period;
- Take prompt action, as appropriate, towards clarifying whether or not the UNCAC can be used as legal basis for extradition purposes;
- Consider amending the domestic legal framework to more expressly allow for the provision of mutual legal assistance under certain circumstances even in the absence of dual criminality;
- Continue to explore opportunities to actively engage in bilateral and multilateral extradition arrangements with foreign countries, with the aim to enhance the effectiveness of extradition, mutual legal assistance, transfer of criminal proceedings and other forms of international cooperation in criminal matters, with special emphasis on law enforcement cooperation and joint investigations;
- Finalize the process of notification regarding the use of the UNCAC as a legal basis for extradition and, in the interim, enter into agreements or arrangements with other States parties to the UNCAC, as well as non-States parties to the Convention, to strengthen extradition mechanisms.